

To UNITED STATES DISTRICT COURT –DISTRICT OF MASSACHUSETTS

Response of JOHN B. HOWARD MD TO PLAINTIFF'S MOTION FOR
SANCTIONS. SCOTT RODGERS VS. CORRECTIONS OFFICER AND
DR. HOWARD. CA No. 04-11842-PBS

I, JOHN HOWARD MD, do herewby swear and depose the following.

1. I am a defendant in the above case.
2. When I returned from vacation on May, 15, 2006 I received notice of deposition on June 1, 2006. Due to an emergency I was not able to attend.
3. When I spoke with Atty. Tumposky I apologized for not being able to make the meeting. He told me that he would check with the other parties and let me know the next date. He did not call back.
4. On June 20 Lori in my office opened the day's mail and called Atty. Tumposki to ask if this letter was for insurance records. He said no. He did not tell Lori to notify me. I was out of the office on June 20 and June 21. I returned on the afternoon of June 22. At about two pm on June 22 I received a call from the attorney saying that I was due in Boston. I went through a large stack of mail and files and found the letter Lori had opened when it came in 2 days earlier.
5. I am more than willing to be deposed and would suggest that I be notified by phone immediately when a date is set rather than sending a letter two days before the date when I may not be in the office and the staff may not understand the meaning of a routine letter. Given the fact that I have hospital responsibilities it is very important that I know the dates early. As you know I have given you my beeper number for direct access to me at any time. Please use this direct access.
6. Dated June 26, 2006
7. Respectfully submitted John B. Howard MD, 194 Main St., Wareham, MA. 02571 508-295-4450, Home 508 – 748-0050. Beeper is accessed through operator at 508-295-4450
8. I, John B. Howard hereby certify on 26 June 2006 I have mailed by first class mail the foregoing.
9. //s/ John Howard/John Howard

